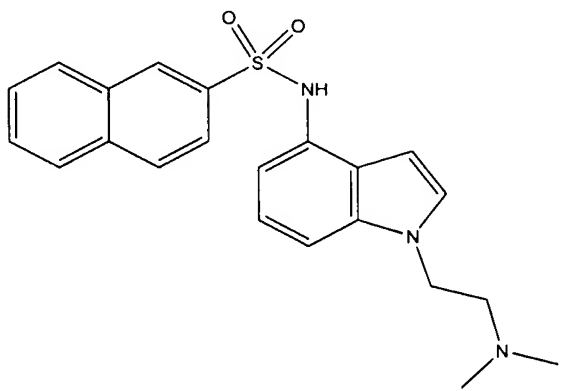


REMARKS/ARGUMENTS

The claims have been divided into numerous exemplary groups, the list of which is not exhaustive of the possibilities, and the Office has stated that “If applicant is unable to elect a single invention, **applicant may instead choose to elect a specific compound and the examiner will attempt to group it**” (page 7). This is what the Applicants have done (see below).

Applicants elect, with traverse, the following specific compound (N-[1-(2-dimethylaminoethyl)-1H-indole-4-yl]naphthalene-2-sulfonamide), for examination:



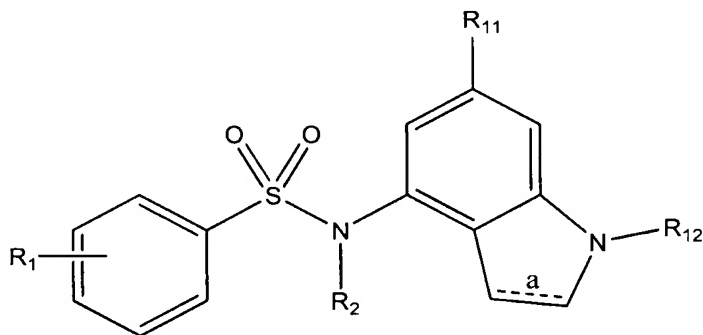
This compound is a specie of Formula Ib wherein $R^1 = -NR^8R^9$ (R^8 and R^9 = methyl), R^2 through $R^7 = H$, $n = 2$, and $A = \text{naphthalene}$. This compound is found in the specification: page 25, line 18, and in claim 13 as compound “[2]”.

Applicants traverse the above election as follows:

- I. The basis of the “exemplary groups” as put forth by the Examiner appear to be based on the possible combinations of individual elections of a single specie for each of R^1 - R^7 , A and n of Formulas Ia or Ib. Accordingly, Applicants request that the above election be treated as a species election and not the basis of a group election. Thus, if the elected specie is determined to be allowable over the prior art, Applicants request that the Examiner conduct a search of the remaining species.
- II. Since the present application is the national stage of a PCT application, unity of invention applies and Applicants are entitled to combined examination of claims drawn toward a product, a process of making said product and a process of using said product in accordance

with 37 C.F.R. §1.475(b)(3). Additionally, Applicants submit that combined examination is proper because the claims share a special technical feature that is a contribution over the prior art, even in view of EP 0815861 as cited by the Examiner (see below discussion of EP '861).

The compounds of the claimed invention differ from those disclosed in EP '861. The substituent at the 1-position of the indole ring of the claimed compound is $-(CH_2)_n-R^1$, wherein R^1 is $-NR^8R^9$ or a cycloaliphatic radical. In contrast, the closest disclosure in EP '861 is the following:



wherein R_{12} is hydrogen or a low alkyl (e.g., C_1 - C_7 alkyl). Clearly, these (indole-4-yl)benzenesulfonamide derivatives of EP '861 do not anticipate or render obvious Applicants' compounds as claimed.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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